

REMARKS/ARGUMENTS

Claims 1-25 remain in the application. Claims 4, 5, 6, 7, 8, 14, 17 and 21 are amended to overcome objections raised in the Office Action. No new matter is added by these amendments.

A. Claim Objections.

The amendments to claims 4-8, 14, 17, 19 and 21 are believed to overcome the objections stated in the Office action.

B. Rejections under 35 U.S.C. 102.

Claims 1-4, 6-7, 13-16, 18-22 and 25 were rejected under 35 U.S.C. 102 based upon the Skene reference. This rejection is respectfully traversed.

Claim 1 calls for, among other things, a plurality of front-end servers, wherein a unique network address is assigned to each front-end server. Claim 1 further calls for a redirector server operable to select one front-end server from the plurality of front-end servers and generate a response referring the requesting software application to the selected front-end server. These elements of claim 1 are not shown or suggested in the relied on reference.

Skene describes a system in which an EDNS returns a virtual IP address, not a unique network address, to a requesting primary DNS server. A virtual IP address is by definition associated with multiple servers or multiple domain names. Hence, a virtual IP address is not a "unique network address" as called for in claim 1. For at least these reasons claim 1 is allowable over the relied no reference.

Moreover, Skene does not include a second channel supporting communication between a front end server and a web site. It appears strong purpose of Skene is to redirect communication to an endpoint (i.e., a virtual server) that is best suited to respond to the domain name request (see, e.g., paragraphs 0048, 0050, 0052 and others). Although the Office action states that "the second channels are established over the Internet", the Skene reference does not show or suggest this Internet connection. Skene notes that a router

130 is provided in the data center to allow the EDNS server to communicate with other internet servers (e.g., paragraph 0048), but does not show or suggest that the virtual server use this router or any other connection device or channel to couple to a web site. Only applicant teaches and claims a plurality of second channels configured to support communication between each of the front-end servers and the web site.

Claims 2-4, 6-7 and 13 that depend from claim 1 are allowable for at least the same reasons as claim 1 stated above as well as for the limitations recited in those dependent claims.

Independent claim 14 calls for, among other things, selecting a second channel within the communication network that supports communication with the network resource and responding to the DNS request with a network address of a front-end machine that supports the second channel. These elements of claim 14 are not shown or fairly suggested in the Skene reference.

As noted in reference to claim 1, Skene does not show or suggest a second communication channel between a front-end machine and a network resource that is requested by a client. Instead, Skene appears to select an "end point" virtual server based on that virtual server's ability to respond to the domain name request. Skene does not show or suggest an act of selecting a communication channel that supports communication with the network resource, or returning a network address of a front end machine based upon support for that selected second channel. Instead, Skene selects an end-point based upon that end-point's ability to provide the desired network resource, not upon the connectivity of that end-point the network resource. For at least these reasons claim 14 is allowable over the relied on reference.

Dependent claims 15-16, 18-22 and 25 are allowable for at least the same reasons as claim 14 stated above as well as for the limitations recited in those dependent claims.

Independent claim 20 calls for, among other things, selecting a channel from amongst a plurality of available channels within the network using a redirector name service and sending the network client a network address of a network-coupled server implementing the selected channel. These elements of claim 20 are not shown or fairly suggested in the Skene reference. Skene does not show or suggest an act of selecting a communication channel or sending a network address of a server based upon support for that selected channel. Instead, Skene selects an end-point based upon that end-point's ability to provide the desired network resource, not upon the connectivity of that end-point to a selected communication channel. For at least these reasons independent claim 20, and claims 21-22 that depend from claim 20, are believed to be allowable over the relied on reference.

Independent claim 25 calls for, among other things, an enhanced communication channel between a set of intermediary servers and an origin server. These elements of claim 25 are not shown or fairly suggested in the Skene reference. The Office action notes, in fact, in reference to the rejection of claim 5 that Skene does not teach an enhanced communication channel at all. The rejection of claim 25 is based only on the same reasons as claims 1-4, 6-7 and 20, none of which call for the enhanced communication channel called for in claim 25. Accordingly, a *prima facie* case of anticipation has not been made and the rejection of claim 25 should be withdrawn.

C. Rejections under 35 U.S.C. 103.

Claims 5 was rejected under 35 U.S.C. 103 based upon Skene in view of Official Notice. This rejection is respectfully traversed.

The rejection of claim 5 uses applicant's own teaching as the motivation for modifying Skene to provide the enhanced communication channel called for in claim 5. Applicant's own teaching cannot be used against him. Nothing in the Skene reference itself would provide sufficient motivation to lead someone to modify Skene's system for load sharing amongst virtual servers to include a second channel supporting communication between a front end server and a

web site. Moreover, as this second channel is not shown or suggested, why would one configure this second channel, which does not exist in Skene, as an enhanced communication channel? In view of the fact that Skene has already directed the client to an endpoint that can service the client's request, an enhanced communication channel would appear to be unnecessary.

The rejection relies on "Official Notice" that enhanced communication between network nodes is well known. Applicant's disagree that enhanced communication channels as presented in the context of claim 5 are well-known and challenge the use of Official Notice. It is respectfully requested that, should this rejection be maintained, a suitable reference showing an enhanced communication channel be provided, and that any subsequent action not be made final so that applicant has adequate opportunity to respond.

For at least these reasons claim 5 is allowable under 35 U.S.C. 103.

Claims 8 was rejected under 35 U.S.C. 103 based upon Skene. This rejection is respectfully traversed. Claim 8 is believed to distinguish over Skene for at least the same reasons as claim 1 from which it depends. Moreover, the Office action notes that Skene does not show a system with a plurality of redirectors as called for in claim 8. While the rejection of claim 8 does not explicitly state that it is based upon the use Official Notice, it would appear that the rejection must be supported by Official Notice because it is admitted that Skene alone does not supply this feature of claim 8. Accordingly, it is respectfully requested that the rejection be supported with suitable prior art or withdrawn. It is believed that the particular combination of a global redirector regional redirectors, and network redirectors is not shown or suggested by Skene. Skene does not suggest any need for a plurality of network redirectors, nor does Skene provide motivation that would lead one to modify the EDNS system to include a plurality of network redirectors. It is respectfully requested that the rejection of claim 8 be withdrawn.

Claims 9-12 that depend from claim 8 are believed to be allowable for at least the same reasons as claim 8 as well as the limitations appearing individually in claims 9-12.

Claim 17 is allowable for at least the same reasons as claim 14 from which it depends.

Claims 23-24 are allowable for at least the same reasons as claim 20 from which they depend. Moreover, claim 23 calls for selecting a channel comprises determining an index comparing relative quality of service between the plurality of available channels while claim 24 calls for determining an index includes combining component factors representing both an estimate of the topological location of the network client with respect to each of the available channels and current quality of service provided by each of the available channels. The rejection of claims 23 and 24 is based upon the reasons stated for claims 1, 8, 11, 14 and 20---none of which include the quality of service selection criteria or step of determining an index. Hence, the Office Action fails to state a *prima facie* case of obviousness or anticipation of claims 23 and 24 and the rejection should be withdrawn.

D. Conclusion.

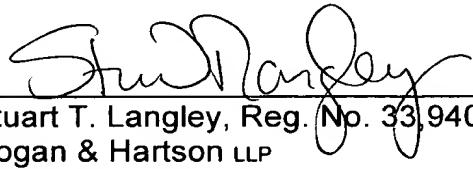
The references that were cited but not relied upon are no more relevant than the references that were relied upon. In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

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Any fee deficiency associated with this submittal may be charged to
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Respectfully submitted,

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